

ORDINANCE NO. R-

2015-19

TAX CODE(S)

52-09-03-014-059-027-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 2141 Quivergide (Here insert common address)  
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana: see att

by changing the zoning classification of the above-described real estate from R1 to C4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on \_\_\_\_\_ at Instrument No.: \_\_\_\_\_. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

ATTEST:

\_\_\_\_\_  
President\_\_\_\_\_  
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ o'clock

THIS INSTRUMENT PREPARED BY:

Jose Rivera\_\_\_\_\_  
Mayor of the City of Evansville, Indiana**FILED**

MAY 26 2015

Janet Widner  
CITY CLERK

All that part of the Southwest Quarter of the Northwest quarter of Section Three (3), Township seven (7) South, Range Ten (10) West, described as follows:

Commencing at the Northeast corner of said quarter quarter section in the center of the Green River Road and running thence West Eighty-two (82) feet; thence South Two Hundred (200) feet; thence West One Hundred sixty (160) feet; thence South Fifty (50) feet; thence East Fifty-five (55) feet; thence North Forty (40) feet; thence East One Hundred Eighty-seven (187) feet; thence North Two Hundred Ten (210) feet to the place of beginning.

Subject to all legal highways and rights of way.

Tax Code: 09-400-14-059-028 (2141 E. Riverside Drive)

ALSO:

Part of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section Three (3), Town Seven (7), south, Range Ten (10) West, described as follows:

A tract of ground fifty (50) feet by two hundred (200) feet adjoining the East side of the property now owned by Carl Kurtz, said tract beginning at the center of Green River Road and running thence South two hundred (200) feet along the property line of said Carl Kurtz, thence East fifty (50) feet, thence North two hundred (200) feet to the Center of Green River Road, thence West fifty (50) feet to the point of beginning.

Tax Code: 09-400-14-059-027 (2141 E. Riverside Drive)

EXCEPT THEREFROM:

All that part of the Southwest Quarter of the Northwest Quarter of Section Three (3) Township Seven (7) South, Range Ten (10) West, described as follows, to-wit:  
Commencing at the Northeast Corner of the said Quarter Quarter Section in the center of Riverside Drive and running thence South Two Hundred and Ten (210) feet to the point of beginning; from said point of beginning thence West One Hundred and Eighty-seven (187) feet; thence South Forty (40) feet; thence West Fifty-five (55) feet; thence North Fifty (50) feet; thence East Two Hundred and Forty-two (242) feet; thence South Ten (10) feet to the place of beginning.

A strip Twenty-five (25) feet in width off the East side of said real estate in subject to the use of the public for highway purposes (S. Alvord Blvd). Subject to all legal highways and rights of way.

## USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, \_\_\_\_\_ (Name) Jose Rivera Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (Address) 2141 C Riverside, which real estate is more particularly described as follows, to wit:

WHEREAS, as the real estate is currently classified as a(n) R1 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C4; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

For Tise shop purposes only

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial

proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this

26 day of May, 2015 by \_\_\_\_\_ for the purpose set forth herein.

Signature

STATE OF INDIANA )

) SS:

COUNTY OF VANDERBURGH )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jose Rivera who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 26 day of May, 2015.

NOTARY PUBLIC

A resident of Vanderburgh County, Indiana.

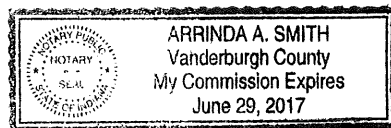
My commission expires: 6/29/17

Arrinda A. Smith  
ARRINDA A. SMITH

This instrument prepared by: (Name) Jose Rivera

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_



## VERIFIED PETITION FOR REZONING

2015-22 -PC

ORDINANCE NO. R-2015-19

COUNCIL DISTRICT: WARD 2 - MOSBY

PETITIONER Jose Rivera PHONE 812-305-7336  
 ADDRESS 2108 Frisbie Ave Evansville IN 47714 ZIP CODE 47714  
 OWNER OF RECORD David Hanson PHONE 812 499-6000  
 ADDRESS 2200 Lakes Edge Newburgh IN ZIP CODE 47630

- Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
- Premises affected are on the South side of Riverside a distance of 0 feet of the corner (N.S.E.W.) of the corner formed by the intersection of Riverside and Alford St.  
 Registered Neighborhood Association (if applicable) Eastview NA Chris Cooke

LEGAL DESCRIPTION: PT-LPA-PT-SW-NW-3-7-10  
 SUBDIVISION Orchard Acres BLOCK \_\_\_\_\_ LOT NO. \_\_\_\_\_  
 (where applicable - if not in a subdivision, insert legal here or attach to ordinance)

- The commonly known address is 2141 E Riverside
- The real estate is located in the Zone District designated as R1
- The requested change is to (Zone District) C4
- Present existing land use is Grass
- The proposed land use is Tire Shop
- Utilities provided: (check all that apply)  
 City Water \_\_\_\_\_ Electric ☒ Gas \_\_\_\_\_ Storm Sewer \_\_\_\_\_  
 Sewer: Private \_\_\_\_\_ Public \_\_\_\_\_ Septic \_\_\_\_\_
- All attachments are adopted by reference.
- The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

## (REQUIRED) Signatures:

DATE 5/6/15 PETITIONER [Signature]  
 (when signed) PRINTED NAME Jose Rivera

DATE 5/6/15 OWNER OF RECORD David Hanson  
 (when signed) PRINTED NAME David Hanson

REPRESENTATIVE FOR PETITIONER NAME Jose Rivera  
 (Optional) ADDRESS/ZIP 2108 Frisbie Ave Evansville IN 47714  
 PHONE 812-305-7336

FILED

MAY 26 2015

*Anna Windhorst*  
 CITY CLERK



